

NO. PD-0563-17

TERRI REGINA LANG,
Appellant

§

IN THE COURT OF
COURT OF CRIMINAL APPEALS
12/18/2017
DEANA WILLIAMSON, CLERK

VS.

§

CRIMINAL APPEALS

THE STATE OF TEXAS,
Appellee

§

THE STATE OF TEXAS

**FIRST MOTION FOR EXTENSION OF TIME
TO FILE APPELLEE'S BRIEF**

This motion is presented on behalf of the State of Texas, by and through the undersigned Assistant District Attorney, and in support would show:

I.

The brief for the State of Texas, Appellee, is due on December 20, 2017.

II.

The undersigned is solely responsible for all appellate and post-conviction matters in felony cases on behalf of the State of Texas for the 33rd and the 424th Judicial Districts which covers Burnet County, Llano County, Blanco County, and San Saba County. The undersigned is also solely responsible for all asset seizure and forfeiture matters within these four counties, including investigating and preparing Notice of Seizure and Intended Forfeiture, conducting discovery, summary judgment hearings, and trial. Additionally the undersigned is responsible

for providing research assistance and backup to the trial attorneys during trial preparation, preparing extradition waivers and requests for governor's warrants, and responding to Public Information Act Requests.

During the period of this extension the undersigned has researched, completed and filed the State's brief in the following cases:

- (1) No. 03-17-00040-CR styled Garrett Ballard vs. The State of Texas. This was a non-death capital murder of multiple persons conviction involving a large record and complex issues. Appellant's Brief was filed on 12/06/2017. The undersigned worked through the Thanksgiving holidays in order to complete this brief.
- (2) No. 5731A, an art. 11.07 writ of habeas corpus in a case of two convictions of capital murder involving a substantial record and in which two of the multiple issues raised were very complex. The State's Answer was filed on 12/18/2017.
- (3) No. 03-17-00628-CR styled Barlow Smith vs. The State of Texas. This was the second appeal of the second art. 11.072 application for writ of habeas corpus asserting actual innocence and two other issues. Appellant's Brief was filed on 12/15/2017.
- (4) No. 5708A styled Ex parte Billy Mims, an art. 11.07 writ of habeas corpus in a case of multiple counts of Aggravated Sexual Assault of a Child and Indecency with a Child. This case involves multiple issues of ineffective assistance of counsel at trial. The trial court has scheduled a live hearing to address these issues on January 30, 2018. The undersigned must, prior to this hearing, interview at least two witnesses who are expected to give live testimony.

Further the undersigned, with the assistance of a staff volunteer, is in the process of preparing a very large amount of records in response to one Public Information Act request, research and prepare one Chapter 59 asset seizure lawsuits.

III.

Appellant has raised three complex issues in this case which has and will continue to require a substantial amount of research. The research has been mostly completed and the undersigned has prepared the base form for the State's brief, however, considering the upcoming holidays, the complexity of preparing this brief, and the need to prepare for and attend the Mims hearing, it is likely to require an additional 44 days in order to complete said brief for the State. The undersigned requests an extension of time to file the Appellee's Brief until February 2, 2018.

IV.


This is the first motion for extension of time to file Appellee's Brief to be filed in this Cause.

Prayer

The undersigned prays that this Court grant this Motion for Extension of Time to File Appellee's Brief and permit the undersigned to file said brief on or before February 2, 2018.

Respectfully submitted,

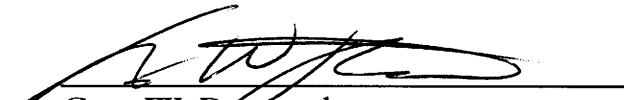
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ATTORNEY FOR APPELLEE

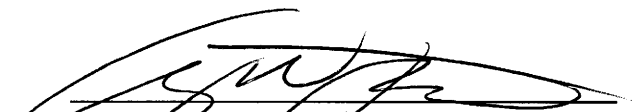
CERTIFICATE OF WORD COUNT

This is to certify that the pertinent portion of this brief contains 566 words printed in Aldine401BT 14 font, according to the WordPerfect™ X8 word count tool.


Gary W. Bunyard

CERTIFICATE OF SERVICE

This is to certify that a true copy of the above and foregoing instrument, together with this proof of service hereof, has been forwarded on the 18th day of December 2017, to Justin Bradford Smith, Attorney for Appellant, by email and by EServe.


Gary W. Bunyard
Assistant District Attorney